

REMARKS

This response addresses the Office Action dated August 29, 2002 and pending Claims 1, 2, and 22-48. These claims are cancelled without prejudice and new Claims 49-78 are added herein. Claims 49-78 generally correspond to prior Claims 22-48.

In the Office Action, U.S. Patent number 5,983,833 to van der Lely, is cited as basis for rejecting Claims 1, 2, 22, 23, 26-31, 36, 37, 39-41, and 43-47 under 35 U.S.C. §102(e), because the claims were considered to be anticipated by the '833 reference.

The van der Lely reference is directed to a robotic cleaning and feeding apparatus. Basically it discloses such a system comprising a robotic arm suspended from the upper part of a shed capable of traveling on a suspended rail about the shed. In one embodiment, the robotic arm is provided with a gripping means for picking up fodder and distributing the fodder throughout the shed. This is accomplished by the device traveling to and from a feed silo and distributing feed to feeding stations.

In the preferred embodiment of the instant invention a feeding station comprising a plurality of feed troughs which are integrated with a plurality of feed containers which may contain different types of feed. An articulated robotic arm having gripping means selects a predetermined amount of fodder from one or more containers directly above or otherwise in close proximity to the feed trough whereby an identified cow may receive rations which are customized both as to type of feed and the amount thereof in a quick and efficient manner.

The van der Lely reference does not disclose an integration, as such, between the feed containers and feed troughs. Indeed, a drawback of the van der Lely reference is the robot necessarily travels substantial distances to and from the silo to the individual feed stations. The

instant invention provides improved capacity of the feeding stations due to the integrated configuration as well as controlling the types and amounts of feed that the animal receives.

Applicant has amended its independent claims to include the limitation of integrating the feed station and feed container.

The Examiner also cites three prior art references as basis for rejections under 35 U.S.C. §103 when viewing the cited references in combination with the '833 Lely patent with respect to Claims 24, 25, 32-35, 42, and 48.

The Examiner cites U.S. Patent No. 4,981,107 to Beaudoin et al which discloses a computerized electronic feeding system that uses an auger 25 to force feed onto conveyor belt 43 which in turn drops the feed rations into feed troughs 71 by way of a sloped ramp 69.

The Examiner also cites U.S. Patent No. 4,565,485 to Wilman which discloses an agricultural loader comprising a bucket or scoop.

U.S. Patent No. 4,672,917 to Fox is also cited which is directed to an automated feeder suspended from an overhead trolley. The preferred embodiment comprises an auger 18 for distributing feed to feed troughs 6 from a hopper 4.

The Fox and the Beaudoin references relate to the general field of providing feed to cows or cattle using an automated system. Both patents teach away from the disclosure of the instant invention. The advantage of the instant invention is summarized in the first paragraph of the specification concerning the use of a gripper in combination with an integrated feed trough and feed container. Applicants' invention is an improvement over the prior art which uses augers.

The Lely reference simply does not teach the inventive concept of the instant Application. Rejections based on 35 U.S.C. §102 are not applicable. The combination of the

Lely reference with additional prior art of record does not make obvious the inventive concept claimed herein.

It is a well settled principle that prior patents are references only for what they clearly disclose or suggest and that it is not proper use of a patent as a reference to modify its structure to one which the prior references do not suggest.

Apart from the foregoing, concerning the rejections under 35 U.S.C. §103, the required proof of motivation to combine the prior art references to produce the claimed invention is lacking and therefore such rejections are flawed. In this connection, it is to be kept in mind that virtually all inventions are combinations of old elements. Therefore an Examiner may also find every element of a claimed invention in the prior art, but if identification of each claimed element in the prior art were, in itself, sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an Examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. To counter this potential weakness in the obviousness construct, the suggestion to combine requirement is a critical safeguard against hindsight analysis and rote application of the legal test for obviousness.

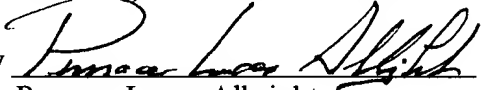
As amended, the Application contains thirty-one (31) claims, three (3) of which are independent claims. Accordingly, a further fee of \$18.00 appears to be required for the increase in the total number of claims and our check to cover same is submitted herewith. If this is in error, the Commissioner of Patents and Trademarks is authorized to debit or credit our Account No. 13-2000 as appropriate.

Further consideration and reexamination of this Application, in its amended form, is requested in view of 35 U.S.C. §132 and regulations in implementation thereof. It is submitted the Application in its amended form is free from ambiguity and avoids the references of record. It is further submitted the Examiner should have no difficulty in finding that the differences between the subject matter sought to be patented in this Application and prior art and usage within her expert knowledge are such that the subject matter as a whole would not have been obvious at the time the invention was made to persons having ordinary skill in the art to which the subject matter of this Application pertains.

In view of the foregoing, the allowance of claims as now presented is earnestly solicited.

Respectfully submitted,

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